IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 1057 of 2007()

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CMP.185/2007 of J.M.F.C.-II,NEYYATTINKARA
CRIME NO.71/2006 OF AMARAVILA EXCISE RANGE

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PETITIONERS/ACCUSED NOS.1 AND 2:

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1. RAJENDRA SINGH, AGED 46 YEARS,
S/O. GOPAL SINGH, INDHU COLONY, NAGATHA TALUK,
NAGATHA VILLAGE, UJAIN DISTRICT, MADHYA PRADESH.

2. GURUDAYAL, AGED 55 YEARS,
S/O. GOPAL SINGH, INDHU COLONY, NAGATHA TALUK,
NAGATHA VILLAGE, UJAIN DISTRICT, MADHYA PRADESH.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENTS:

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STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR,
AMARAVILA EXCISE RANGE THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.RAMKUMAR, J.**

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Bail Application No. 1057/2007

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Dated this 23rd day of February, 2007

**O R D E R**

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused 1 and 2 in C.R. No. 71/2006 of Amaravila Excise Range for offences punishable under Sections 55(a) and 67B of the Abkari Act for allegedly transporting 10,032 liters of spirit in 304 white cans of 35 liters each in LPG Trailer Tanker on 21.12.2006, seek their enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that the final report has not been filed even after 60 days of judicial custody of the petitioners. If so, by virtue of the proviso to Section 167(2) Cr.P.C, the petitioners are entitled to bail as of right.

3. Accordingly, the petitioners are directed to be released on bail on each of them depositing a sum of Rs.1,00,000/- (One Lakh Rupees) in cash and each of them executing a bond for Rs. 50,000/- (Fifty Thousand Rupees only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M-II, Neyyattinkara and subject to the following conditions:-

(a). The Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(c). The petitioners shall not commit any offence while on bail.

4. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed as above.

**V.RAMKUMAR,**
**JUDGE**

mrcs